

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

ST. LOUIS METROPOLITAN TOWING,

Appellant,

v.

DIRECTOR OF REVENUE,

Respondent.

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**DOCKET NUMBER WD77241**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 2, 2014

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**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Daniel R. Green, Judge

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**JUDGES**

Division I: Pfeiffer, P.J., and Hardwick and Mitchell, JJ.

CONCURRING.

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**ATTORNEYS**

David F. Barrett  
Jefferson City, MO

Attorney for Appellant,

Chris Koster, Attorney General  
Linda Lemke, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent.

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# MISSOURI APPELLATE COURT OPINION SUMMARY

## MISSOURI COURT OF APPEALS, WESTERN DISTRICT

**Division I holds:**

To be entitled to judicial review of a final agency decision, section 536.100 requires the aggrieved party to exhaust all administrative remedies provided by law. Under section 621.050.1, any person or entity has the right to appeal to the AHC from any decision made by the Director by filing a petition with the AHC within thirty days after the decision of the Director is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. Metro Towing opted not to exercise its right under section 621.050 to appeal the Director's decision rejecting Metro Towing's January application for a salvage dealer's license to the AHC.

Metro Towing presented no new information in its June application for the Director's consideration, particularly regarding Metro Towing's ownership. By submitting the June application, Metro Towing attempted to bypass the AHC and the procedures mandated by the General Assembly for judicial review.

Metro Towing had an adequate remedy to challenge the Director's denial of its January application for a salvage dealer license, but it let the time for seeking that remedy expire. It cannot revive its action by filing a second substantially identical application. Metro Towing's failure to appeal the Director's denial of its January application to the AHC rendered the Director's decision final and not susceptible to collateral attack.

**Opinion by: Mark D. Pfeiffer, Presiding Judge**

September 2, 2014

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